

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

_____	)	
IN RE TRICOR DIRECT PURCHASER	)	
ANTITRUST LITIGATION	)	C.A. No. 05-340 (KAJ)
_____	)	
	)	(consolidated)
THIS DOCUMENT RELATES TO:	)	
	)	
C.A. No. 05- 358 (KAJ)	)	
_____	)	

**NOTICE OF VIDEOTAPE DEPOSITION OF MEIJER INC. AND  
MEIJER DISTRIBUTION, INC. PURSUANT TO FED.R.CIV.P. 30(B)(6),  
LIMITED TO CLASS CERTIFICATION ISSUES**

To: All Counsel on the Attached Service List

PLEASE TAKE NOTICE that pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure, counsel for Defendants shall take the deposition by oral examination of plaintiffs Meijer Inc. and Meijer Distribution, Inc. (collectively, "Meijer"), on June 5, 2006 at 9:30 A.M., at the offices of Cadwalader, Wickersham & Taft LLP, One World Financial Center, New York, NY, or such other location agreed to by counsel. The deposition will be recorded by videotape as well as stenographically before a Notary Public or other officer authorized to administer oaths, and shall continue from day to day until completed, with such adjournments as to time and place as may be necessary.

NOTICE IS HEREBY GIVEN that pursuant to Fed. R. Civ. P. 30(b)(6), Meijer is required to designate one or more appropriate persons to testify on its behalf with respect to each of the matters set forth in Exhibit A hereto, and the person(s) so designated shall be required to testify as to each of those matters known or reasonably available to the corporation. You are invited to attend and cross-examine. Meijer must also produce documents with respect to each

of the matters set forth in Exhibit B hereto by June 1, 2006. Nothing in this notice shall be construed in any way to prejudice Defendants from conducting further 30(b)(6) depositions on non-class certification issues.


*Of Counsel:*

Steven C. Sunshine  
Maria M. DiMoscato  
CADWALADER, WICKERSHAM & TAFT LLP  
1201 F Street, N.W.  
Washington, D.C. 20004  
(202) 862-2200

Matthew P. Hendrickson  
Bradley J. Demuth  
CADWALADER, WICKERSHAM & TAFT LLP  
One World Financial Center  
New York, NY 10281  
(212) 504-6000

Timothy C. Bickham  
STEPTOE & JOHNSON LLP  
1330 Connecticut Avenue, N.W.  
Washington, DC 20036-1795  
(202) 429-5517

Dated: May 22, 2006

  
Frederick L. Cottrell, III (I.D. #2555)  
Anne Shea Giza (I.D. #4093)  
cottrell@rlf.com  
giza@rlf.com  
RICHARDS, LAYTON & FINGER  
One Rodney Square  
P.O. Box 551  
Wilmington, DE 19801  
(302) 651-7700

Attorneys for Defendants Fournier  
Industrie et Sante and Laboratories  
Fournier, S.A.

### **DEFINITIONS AND INSTRUCTIONS**

The use of any definition for purposes of this Notice shall not be deemed to constitute an agreement or acknowledgement on the part of defendant that such definition is accurate, meaningful or appropriate for any other purpose in this action.

The terms “Your” or “Your” means Meijer Inc. and Meijer Distribution, Inc.; all parents, subsidiaries, and affiliates thereof, all divisions, predecessors, successors and assigns of each of the foregoing; and all officers, directors, employees, agents, consultants, attorneys and all other persons acting or purporting to act on behalf of, or under the control of, each of the foregoing.

“Impax” means counterclaim plaintiff Impax Laboratories, Inc., all parents, subsidiaries, and affiliates thereof, all divisions, predecessors, successors and assigns of each of the foregoing; and all officers, directors, employees, agents, consultants, attorneys and all other persons acting or purporting to act on behalf of, or under the control of, each of the foregoing.

“Kerr” means Frank W. Kerr Co.; all parents, subsidiaries, and affiliates thereof, all divisions, predecessors, successors and assigns of each of the foregoing; and all officers, directors, employees, agents, consultants, attorneys and all other persons acting or purporting to act on behalf of, or under the control of, each of the foregoing.

You have represented that You are the assignee of Kerr’s claims for the purposes of this action. As the assignee of Kerr’s claims, Kerr’s activities concerning the claims that You have raised on its behalf are reasonably known to You. As such, You must designate a witness or witnesses that are adequately prepared to respond to the topics of this Federal Rule of Civil Procedure 30(b)(6) Notice regarding Kerr’s activities relating to the claims and subject matter of this action.

The term “TriCor®” means any pharmaceutical product marketed under the trade name “TriCor®” at any time.

The term “Lofibra®” means any pharmaceutical product marketed under the trade name “Lofibra®” at any time.

The term “Antara®” means any pharmaceutical product marketed under the trade name “Antara®” at any time.

The term “Triglide®” means any pharmaceutical product marketed under the trade name “Triglide®” at any time.

The term “Lipofen®” means any pharmaceutical product marketed under the trade name “Lipofen®” at any time.

The term “document” is defined to be synonymous in meaning and equal in scope to the usage of this term in Federal Rule of Civil Procedure 34(a). A draft or non-identical copy is a separate document within the meaning of this term.

The term “concerning” means discussing, relating to, referring to, describing, evidencing or constituting.

The use of the singular of any word shall include the plural and vice versa, and the use of a verb in any tense or voice shall be construed as the use of that verb in all other tenses and voices, as necessary to bring within the scope of the discovery request all responses that might otherwise be construed as outside its scope.

The relevant time frame for these topics is January 1998 to the present.

**CERTIFICATE OF SERVICE**

I hereby certify that on May 22, 2006, I caused to be served by hand delivery the foregoing document and electronically filed the same with the Clerk of Court using CM/ECF which will send notification of such filing(s) to the following:

Josy W. Ingersoll  
John W. Shaw  
Karen Keller  
Young Conaway Stargatt & Taylor, LLP  
The Brandywine Building  
1000 West Street, 17th Floor  
P.O. Box 391  
Wilmington, Delaware 19899-0391

Jeffrey S. Goddess  
Rosenthal, Monhait, Gross & Goddess, P.A.  
919 Market Street, Suite 1401  
P.O. Box 1070  
Wilmington, DE 19899-1070  
Tel. (302) 656-4433  
Fax. (302) 658-7567

Jonathan L. Parshall  
Murphy Spadaro & Landon  
1011 Centre Road, Suite 210  
Wilmington, DE 19801

Michael I. Silverman  
Lynn A. Iannone  
Silverman & McDonald  
1010 North Bancroft Parkway  
Suite 22  
Wilmington, DE 19805

Mary B. Graham  
Morris Nichols, Arsht & Tunnell  
1201 North Market Street  
P.O. Box 1347  
Wilmington, DE 19899

Mary B. Matterer  
Morris, James, Hitchens & Williams  
222 Delaware Avenue, 10th Floor  
Wilmington, DE 19801

Pamela S. Tikellis  
Robert J. Kriner, Jr.  
A. Zachary Naylor  
Chimicles & Tikellis LLP  
One Rodney Square  
P.O. Box 1035  
Wilmington, DE 19899

Elizabeth M. McGeever  
Prickett Jones Elliott, P.A.  
1310 King Street  
Wilmington, DE 19801

Patrick Francis Morris  
Morris & Morris LLC  
4001 Kennett Pike, Suite 300  
Wilmington, Delaware 19807

I hereby certify that on May 22, 2006, I sent by electronic mail the foregoing document to the following non-registered participants:

REPRESENTING DIRECT PARTY PLAINTIFFS  
(C.A. 05-340):

Jeffrey S. Goddess  
**[jgoddess@rmgglaw.com](mailto:jgoddess@rmgglaw.com)**

Bruce E. Gerstein  
**[bgerstein@garwingerstein.com](mailto:bgerstein@garwingerstein.com)**

Barry S. Taus  
**btaus@garwingerstein.com**

Adam M. Steinfeld  
**asteinfeld@garwingerstein.com**

Daniel Berger  
**danberger@bm.net**

Eric L. Cramer  
**ecramer@bm.net**

Peter Kohn  
**pkohn@bm.net**

Linda P. Nussbaum  
**lnussbaum@cmht.com**

Steig D. Olson  
**solson@cmht.com**

REPRESENTING WALGREEN, ECKERD, KROGER,  
MAXI, CVS, RITE AID  
(C.A. 05-340):

Elizabeth M. McGeever  
**emmccgeever@prickett.com**

Scott E. Perwin  
**sperwin@kennynachwalter.com**

Joseph T. Lukens  
**jlukens@hangley.com**

REPRESENTING PACIFICARE  
(C.A. 05-340):

Jonathan L. Parshall  
**jonp@msllaw.com**

William Christopher Carmody  
**bcarmody@susmangodfrey.com**

John Turner:  
**jturner@susmangodfrey.com**

Shawn Rabin:  
**srabin@susmangodfrey.com**

Justin Nelson:  
**jnelson@susmangodfrey.com**

Cindy Tijerina:  
**ctijerina@susmangodfrey.com**

Ken Zylstra:  
**kzylstra@sbclasslaw.com**

Lyle Stamps:  
**lstamps@sbclasslaw.com**

Steve Connolly  
**Sconnolly@abclasslaw.com**

Mark Sandman:  
**mms@rawlingsandassociates.com**

Jeffrey Swann:  
**js5@rawlingsandassociates.com**

REPRESENTING INDIRECT PARTY PLAINTIFFS  
(C.A. 05-360):

Pamela S. Tikellis  
Thomas M. Sobol  
Patrick E. Cafferty  
Jeffrey L. Kodroff  
Bernard J. Persky  
William C. Carmody  
Mike Gottsch  
Zach Naylor  
Robert Davis  
Brian Clobes  
Michael Tarringer  
Tim Fraser  
David Nalven  
Greg Matthews  
Christopher McDonald  
Kellie Safar  
Ted Lieverman  
Pat Howard

**Tricor@chimicles.com**

REPRESENTING IMPAX LABORATORIES  
(C.A. 03-120):

Mary Matterer  
**mmatterer@morrisjames.com**

John C. Vetter  
**jvetter@kenyon.com**

Asim Bhansali  
**abhansali@kvn.com**

REPRESENTING TEVA PHARMACEUTICALS  
(C.A. 02-1512):

Josy W. Ingersoll  
Bruce M. Gagala  
Karen E. Keller  
Christopher T. Holding  
Ken Cohen  
Elaine Blais

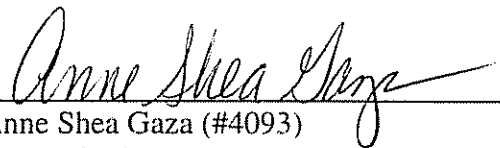
**trikor@ycst.com**

REPRESENTING ABBOTT (ALL CASES):

Mary B. Graham  
**Tricor@mnat.com**

William F. Cavanaugh  
**wfcavanaugh@pbwt.com**

Chad J. Peterman  
**cjpeterman@pbwt.com**

  
\_\_\_\_\_  
Anne Shea Gaza (#4093)  
GAZA@rlf.com